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5 Attorneys for Amicus Curiae the National Retail Federation

6 **IN THE UNITED STATES DISTRICT COURT**
FOR THE CENTRAL DISTRICT OF CALIFORNIA
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8 JOSE LICEA and SONYA
VALENZUELA, individually and on
9 behalf of all others similarly situated,

10 Plaintiffs,

11 v.

12 CINMAR, LLC, a Delaware limited
liability company; and DOES 1 through
13 25, inclusive,

14 Defendants.
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Case No. 2:22-cv-06454-MWF-JEM

**NOTICE OF MOTION AND
MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF**

Hearing

Date: January 30, 2023
Time: 10:00 A.M.
Location: First Street Courthouse
350 West First Street
Courtroom 5A
Los Angeles, CA 90012

28 **NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF OF THE NATIONAL RETAIL FEDERATION**

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on Monday, January 30, 2023 or as soon
3 thereafter as the matter may be heard in the First Street Courthouse, Central District
4 of California, located at 350 West First Street, Courtroom 5A, Los Angeles,
5 California 90012, movant the National Retail Federation will, and hereby does,
6 move for an order permitting it to file a brief as *amicus curiae* on Defendant's
7 pending Motion to Dismiss (Dkt. #26).

8 This motion is made under the grounds that this Court has inherent authority
9 and "broad discretion" to allow participation of *amici curiae*. See *Fraihat v. U.S.*
10 *Immigr. & Customs Enf't*, 445 F. Supp. 3d 709, 720 (C.D. Cal. 2020) (internal marks
11 omitted), *rev'd on other grounds*, 16 F.4th 613 (9th Cir. 2021). This Court "err[s] on
12 the side of permitting such briefs," because they can be "useful to or otherwise
13 desirable to the court," especially where "the amicus has unique information or
14 perspective." *WildEarth Guardians v. Haaland*, 561 F. Supp. 3d 890, 905–06 (C.D.
15 Cal. 2021) (internal marks omitted).

16 The brief of *amicus curiae* the National Retail Federation ("NRF"), attached
17 herein as Exhibit A, will be helpful to the court because NRF represents the interests
18 of retailers nationwide and can provide the broader perspective of a trade association
19 to cookie-cutter complaints like the one filed by Plaintiff and her attorneys against
20 dozens and dozens of retailers across the country. See Def.'s Mem., Dkt. #26, at 2;
21 see also Def.'s Req. for Judicial Notice, Dkt. #27. Moreover, it supports the
22 contentions Defendant makes in its Motion to Dismiss with additional arguments
23 and authority that NRF believes the Court will find informative. Finally, this motion
24 is timely and will not unduly prejudice Plaintiff or the schedule in this case. The
25 motion and accompanying brief was filed well in advance of both the deadline for
26 Plaintiff's opposition and the hearing date on Defendant's motion.

1 Prior to filing this motion, on December 12, 2022, the National Retail
2 Federation contacted counsel for each party pursuant to L.R. 7-3 regarding their
3 position on this motion for leave to file an *amicus curiae* brief. Defendant consents
4 to this motion. Plaintiffs oppose the motion.

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6 Respectfully submitted,

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8 DATED: December 20, 2022

9 LEHOTSKY KELLER LLP

10 /s/ Gabriela Gonzalez-Araiza
11 Gabriela Gonzalez-Araiza

12 *Counsel for Amicus Curiae*
13 *The National Retail Federation*
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CERTIFICATE OF SERVICE

I hereby certify that, on December 20, 2022, I electronically filed the foregoing Notice of Motion and Motion for Leave to File *Amicus Curiae* Brief with the United States District Court for the Central District of California by using the CM/ECF system, which will send a notice of filing to all registered users, including counsel for all parties.

DATED: December 20, 2022

Respectfully submitted,

/s/ Gabriela Gonzalez-Araiza
Gabriela Gonzalez-Araiza